

Order

Michigan Supreme Court
Lansing, Michigan

June 1, 2011

Robert P. Young, Jr.,
Chief Justice

142535

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

VESTAX SECURITIES CORPORATION,
Plaintiff-Appellant,

v

SC: 142535
COA: 292062
Ct of Claims: 07-000065-MT

DEPARTMENT OF TREASURY,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the October 28, 2010 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals. The evidentiary record does not support the Court of Appeals determination that the independent registered representatives were the plaintiff's agents or that there exists a substantial nexus between Michigan and the plaintiff's business activities sufficient to impose Michigan Single Business Tax upon it. We REMAND this case to the Court of Claims for reinstatement of the April 27, 2009 order granting summary disposition to the plaintiff.

MARILYN KELLY, J., would grant leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 1, 2011

Corbin R. Davis

Clerk